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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,307	08/06/2001	Juan Montojo	PA010180	3075
23696	7590	10/18/2006		EXAMINER
QUALCOMM INCORPORATED				QURESHI, AFSAR M
5775 MOREHOUSE DR.				
SAN DIEGO, CA 92121			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

2D

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/924,307	MONTOJO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Afsar M. Qureshi	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,7,11,23,25-27,31,35,40,42-44,48,52,64,66-68,72,76 and 81 is/are rejected.
- 7) Claim(s) 4-6,8-10,12-22,24,28-30,32-34,36-39,41,45-47,49-51,53-63,65,69-71,73-75,77-80,82 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

***Response to Amendment***

1. This office action is responsive to Amendment/Remarks received on 8/4/2006.

***Response to Arguments***

2. Applicant's arguments, see Remarks, filed 8/4/2006, with respect to claims 4,8-10,12-22,24,28,32-34,36-39,41,45,49-51,53-63,65,69,73-75,77-80 and 82 have been fully considered and are persuasive. In light of statement made by the Applicant, in reference to Sarkar Patent, US 6,862,457, Examiner agrees that said reference cannot be applied when rejecting claims under 35 USC 103 (c).

The rejection of 4,8-10,12-22,24,28,32-34,36-39,41,45,49-51,53-63,65,69,73-75,77-80 and 82 under 35 USC 103 (a) has been withdrawn.

However, Applicant's arguments in reference to rejection of claims 1-3,7,11,25-27,31,35,40,42-44,48,52,64,66-68,72,76 and 81, under 35 USC 102 (e), are not persuasive. Examiner contends that the signal disclosed by Sarkar is a signal having a first plurality of first format (TDMA) and second plurality of format (CDMA), as is evident from col. 1, lines 22-59. Applicant further argues that the Sarkar patent fails to disclose computing the relative power..... Again, interpreting the claim broadly, Examiner contends that the same is disclosed in col. 5, lines 43-49. The Examiner maintains the rejection of claims 1-3,7,11,25-27,31,35,40,42-44,48,52,64,66-68,72,76 and 81 as follows.

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3. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

4. Claims 1-3, 7, 11, 23, 25-27, 31, 35, 40, 42-44, 48, 52, 64, 66-68, 72, 76 and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarkar et al. (US 6,862,457), "Sarkar" hereinafter.

Claims 1-3, 25-27, 42-44, and 66-68. Sarkar teaches a power control system in wireless communication area including the steps of measuring in first and second one of the first channels and determining power ratio (col. 5, lines 43-56, col. 11, lines 14-29, figure 4). The power is controlled as a function of a parameter of the first channel. Sarkar further discloses procedures employing CDMA and TDMA communicating with a base station by transmitting a reverse link signal in one spectrum (*format*) and a forward link signal in another spectrum (see col. 1, lines 22-59).

Claims 7, 11, 23, 31, 35, 40, 48, 52, 64, 72, 76 and 81. Sarkar further teaches method for power computation by computing the ratio of parameters (see col. 3, lines 1-3) in first and second time periods (reverse link and forward link) during which the power control measurements are made (col. 5, lines 43-49).

***Allowable Subject Matter***

5. Claims 4-6,8-10,12-22,24,28-30,32-34,36-39,41,45-47,49-51,53-63,65,69-71,73-75,77-80 and 82 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AFSAR QURESHI  
PRIMARY EXAMINER

10/16/2006